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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,842	06/06/2005	Vittorio Orlandi	207,020	8600

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7590 07/13/2007

EXAMINER
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BEFUMO, JENNA LEIGH

ART UNIT	PAPER NUMBER
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1771

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/537,842

**Applicant(s)**

ORLANDI, VITTORIO

**Examiner**

Jenna-Leigh Befumo

**Art Unit**

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Amendment submitted on March 29, 2007, has been entered. Claim 2 has been cancelled. Claims 1, 12, 13, and 15 have been amended. Therefore, the pending claims are 1 and 3 – 15.
2. The cancellation of claim 2 renders moot the objections to this claim set forth in the previous Office Action.
3. Based on the applicant arguments the 35 USC 112 1<sup>st</sup> paragraph rejection to claims 4 and 5 are withdrawn (response, page 4).
4. The 35 USC 112 2<sup>nd</sup> paragraph rejection to claims 13 and 14 are withdrawn since the applicant has clarified that the term “manufacture” is the same as the “textile product” (response, page 5). Further, it is noted should the claims be allowed the term will be amended to “product” as authorized by the applicant.
5. The 35 USC 102 and 35 USC 103 rejections based on Brown (2,961,011) are withdrawn since Brown fails to teach that the fabric strips are nonwoven fabrics made from hydroentangled, thermally bonded, or spunbonded materials.
6. The indicated allowability of claim 2, drawn to a woven fabric made from nonwoven fabric strips wherein the nonwoven fabrics are made from hydroentangled, thermally bonded, or spunbonded materials is withdrawn in view of the newly discovered reference(s) to Bakken et al. (6,875,315). Rejections based on the newly cited reference(s) follow.

### ***Claim Objections***

7. Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 13 fails to further define the textile product described in claim 1.

***Claim Rejections - 35 USC § 112***

8. Claims 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. The phrase “method for recovery of trimmings from the processing of nonwoven fabrics” in claim 15 is considered indefinite since the applicant has not positively claimed any how the trimmings are recovered. Thus, the trimmings are not required to be scraps or recycled materials. Therefore, the claim is not actually reciting a method of “recovering” trimmings. However, it is noted that should the claim be amended to required specific recovery processes, the claim could be subject to a restriction since it was original examined as only having method steps requiring weaving of nonwoven fabric strips.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 3, and 6 – 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Bakken et al. (6,875,315).

Bakken et al. discloses a nonwoven transfer fabric that can be produced by weaving together a plurality of fabric strips 34 (column 30, lines 6 – 20). The fabric strips are made from nonwoven material 31 (column 29, lines 57 – 61, column 22, lines 17 – 18). The nonwoven material is made from known processes including meltblowing and spunbonding using polymeric fibers (column 17, lines 50 – 60). The nonwoven fabric strips may be made from composite materials including spunbond-meltblown-spunbond fabric layers combined together (column 19, lines 9 – 12), which would produce a fabric made from spunbond fibers and another material, i.e., meltblown synthetic fibers. Further, Bakken et al.

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discloses that the fabric layer made from fabric strips may be made from a plurality of nonwoven materials and does not need to be made from a single type of fabric strip. The fabric strips can have a width of between 1 inch and 600 inches (column 21, lines 45 – 47). The nonwoven material may be made from polyamides, polyethylene, and polypropylene (column 13, lines 35 – 40). Thus, claims 1, 3, 6 – 10, 12, 13, and 15 are rejected.

With regards to claim 11, the limitation reciting where the fabric strip is not given weight in the product claims, since regardless of where the fabric strips come from, the final product will have the same structure a nonwoven fabric having fabrics strips woven together in the warp and weft direction.

With regards to claim 14, the limitation are considered intended use, and do not add further structural limitations to the claimed woven fabric.

12. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

### ***Claim Rejections - 35 USC § 103***

13. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

14. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bakken et al.

The features of Bakken et al. have been set forth above. Bakken et al. fails to teach the basis weight of the nonwoven fabric strips. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the claimed basis weight, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 220 F.2d 454, 105 USPQ 233 (CCPA 1955). One of ordinary skill in the art would optimize the weight of the fabric, to provide good coverage,

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appearance, and feel, while minimizing the cost of the fabric by limiting the amount of material used in the fabric. Thus, claims 4 and 5 are rejected.

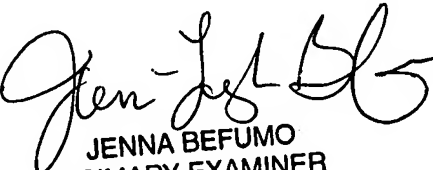
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlb  
July 5, 2007

  
JENNA BEFUMO  
PRIMARY EXAMINER